

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Hai Zhang)	
)	Group Art Unit: 2617
Application No.: 10/594,646)	
)	Examiner: Ngo, Chuong A.
Filed: September 27, 2006)	
)	Confirmation No.: 1623
For: Method for Activating Multimedia)	
Broadcast/Multicast Service)	
)	

Attention: Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF UNDER 37 C.F.R. § 41.41

Pursuant to 37 C.F.R. § 41.41, Appellant submits this Reply Brief to the Board of Patent Appeals and Interferences in response to the Examiner's Answer dated May 4, 2011.

I. Status of Claims

A. Total Number of Claims in the Application

Claims in the application: 1-25.

B. Status of All Claims in the Application

1. Claims canceled: 2, 7, 18 and 19.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1, 3-6, 8-17, and 20-25.
4. Claims allowed: None.
5. Claims objected to: 8, 13, and 20.
6. Claims rejected: 1, 3-6, 9-12, 14-17, and 21-25.

C. Claims on Appeal

Claims on appeal: 1, 3-6, 9-12, 14-17, and 21-25.

II. Grounds of Rejection

In response to the Appeal Brief filed on February 15, 2011, the Examiner's Answer mailed May 4, 2011 (*Examiner's Answer*) maintains the rejection of claims 1 and 23-25 under 35 U.S.C. 103(a) as being unpatentable over Hwang et al. (U.S. Patent Publication No. 20040147266, hereinafter "*Hwang*") in view of Alakoski et al. (U.S. Patent Publication No. 20040073928, hereinafter "*Alakoski*") and the rejection of claims 3-6, 9-12, 14-17, 21, and 22 under 35 U.S.C. § 103(a) as being unpatentable over *Hwang* in view of *Alakoski*, and further in view of Fuchs et al. (U.S. Patent Publication No. 20040266440, hereinafter "*Fuchs*").

III. Response to Examiner's Arguments in the Answer

Appellant traverses the Examiner's rejection of the pending claims 1, 3-6, 9-12, 14-17, and 21-25 under 35 U.S.C. § 103(a) and respectfully disagrees with the Examiner's assertions presented in the *Examiner's Answer* for reasons discussed in the Appeal Brief and the supplemental reasons presented below.

Claims 1 and 23-25

Claim 1 recites "the UE sending a request for activating an MBMS Context which carries MBMS bearer capabilities of the UE to the SGSN which the UE belongs to." The *Examiner's Answer* acknowledges that *Hwang* does not disclose "an MBMS Context which carries MBMS bearer capabilities," as recited in claim 1. However, the *Examiner's Answer* asserts that paragraphs [0029] and [0032] of *Alakoski* disclose this feature. *Examiner's Answer*, p. 5. Appellant respectfully disagrees.

Alakoski merely discloses that the enhanced PCF can provide the authorized QoS information for the MBMS session and subscription authorization for a mobile device to the GGSN and "[t]he MEMS services parameters can be used in the GGSN for setting the accurate QoS profile for the MBMS bearer (i.e., mobile device)." (paragraph [0032]). However, *Alakoski* does not disclose that the "[t]he MEMS services parameters" include "MBMS bearer capabilities." Moreover, *Alakoski* discloses that the "[t]he MEMS services parameters can be used in the GGSN for setting...." *Alakoski* does not disclose "MBMS bearer capabilities of the UE," as recited in claim 1 (emphasis added). In fact, neither *Hwang*, nor *Alakoski*, nor any combination thereof, teaches or suggests this element of claim 1.

The *Examiner's Answer* further asserts that paragraphs [0050], [0051] and [0065]-[0069] of *Hwang* disclose "verifying, by the SGSN before sending a Create MBMS Context Request, whether **the MBMS bearer capabilities** of the UE are less than Required MBMS Bearer Capabilities if the SGSN has the Required MBMS Bearer Capabilities," as recited in claim 1 (emphasis added). *Examiner's Answer*, pp. 4-5. Appellant respectfully disagrees.

First, the Examiner's assertion conflicts with the Examiner's acknowledgement. The Examiner acknowledged that *Hwang* fails to disclose "the MBMS bearer capabilities of the UE." Examiner's Answer, p. 5. The above-recited step requires "verifying, ..., whether **the MBMS bearer capabilities** of the UE are less than Required MBMS Bearer Capabilities" If *Hwang* fails to disclose "the MBMS bearer capabilities of the UE," as acknowledged by the Examiner, it is not capable for *Hwang* to disclose the "verifying" step as recited in claim 1.

Second, the *Examiner's Answer* seems to equate the "qualification" of *Hwang* to the "verifying" step. Examiner's Answer, pp. 4-5, citing paragraphs [0050], [0051] of *Hwang*. However, as disclosed in *Hwang*, the qualification is based on "the initial UE identity," but not based on "the MBMS bearer capabilities of the UE," as recited in claim 1. See *Hwang*, paragraph [0050] ("Upon receiving the Authentication request message, the SGSN 440 determines **whether the UE 410 is qualified** for receiving the corresponding MBMS service, **depending on the initial UE identity...**") (emphasis added).

The *Examiner's Answer* also asserts that paragraph [0051], Fig.4 and paragraphs [0097]-[0098] of *Hwang* discloses "rejecting, by the SGSN, the request for

activating an MBMS Context if the MBMS bearer capabilities of the UE are less than the Required MBMS Bearer Capabilities, or creating the MBMS UE Context if the MBMS bearer capabilities of the UE are not less than the Required MBMS Bearer Capabilities” as recited in claim 1. However, the “connection reject message” in *Hwang* (e.g., paragraph [0051]) is based on whether the “initial UE identity” is qualified, but not based on “**the MBMS bearer capabilities** of the UE,” as recited in claim 1.

Therefore, *Hwang* and *Alakoski*, taken alone or in combination, fail to disclose or suggest the elements of claim 1. Independent claim 23, although different in scope from claim 1, recites elements similar to claim 1 and is thus allowable for at least the reasons discussed above with respect to claim 1. Dependent claims 24 and 25 are also allowable at least by virtue of their dependence from base claim 23.

Claims 3-6, 9-12, 14-17, 21 and 22

Claims 3-6, 9-12, 14-17, 21 and 22 depend from claim 1 directly or indirectly and add further limitations. As discussed above, neither *Hwang*, nor *Alakoski*, nor any combination thereof, teaches or suggests the above-noted elements of claim 1 and included in each of claims 3-6, 9-12, 14-17, 21 and 22. *Fuchs* fails to cure the deficiencies of *Hwang* and *Alakoski*. Therefore, claims 3-6, 9-12, 14-17, 21 and 22 are also allowable, at least by virtue of their dependence from base claim 1.

IV. Conclusion

For the reasons set forth above, supplementing those presented in the Appeal Brief filed on February 15, 2011, pending claims 1, 3-6, 8-12, 13-17, and 20-25 are allowable and the reversal of the Examiner’s rejection of these claims under 35 U.S.C. § 103(a) is respectfully requested.

To the extent any extension of time under 37 C.F.R. § 1.136 is required to obtain entry of this Reply Brief, such extension is hereby respectfully requested. If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, including any fees required for an extension of time under 37 C.F.R. § 1.136, please charge such fees to Deposit Account No. 06-0916.

Respectfully submitted,

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